

CHAMBER ACTION

1 The Committee on Local Government & Veterans' Affairs recommends
2 the following:

3
4 **Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to the St. Lucie County Fire District;
8 providing for codification of special laws relating to the
9 St. Lucie County Fire District; providing legislative
10 intent; amending, codifying, and reenacting all prior
11 special acts; providing for incorporation as a special
12 fire control district; providing district boundaries;
13 providing for a governing board; providing for district
14 books and audits; providing for district depositories and
15 use of funds; providing for gifts, purchases, and loans;
16 providing for records and adoption of rules; providing for
17 annual reports; providing for rights under civil service
18 and retirement laws; providing for millage and taxes;
19 providing for non-ad valorem assessments and impact fees;
20 providing for payment of expenses; providing for a fire
21 chief; providing for a clerk-treasurer; providing for
22 insurance for employees and retirees; providing for
23 limitations to actions arising out of tort or negligence;

HB 631

2004
CS

24 | providing for removal of fire hazards and enforcement of
 25 | liens; providing for miscellaneous provisions; repealing
 26 | chapters 96-532 and 97-356, Laws of Florida; providing an
 27 | effective date.

28 |

29 | Be It Enacted by the Legislature of the State of Florida:

30 |

31 | Section 1. Pursuant to section 191.015, Florida Statutes,
 32 | this act constitutes the codification of all special acts
 33 | relating to St. Lucie County Fire District. It is the intent of
 34 | the Legislature to provide a single, comprehensive special act
 35 | charter for the district including all current legislative
 36 | authority granted to the district by its several legislative
 37 | enactments and any additional authority granted by this act and
 38 | chapters 189 and 191, Florida Statutes, as they may be enacted
 39 | from time to time. It is further the intent of this act to
 40 | preserve all district authority.

41 | Section 2. Chapters 96-532 and 97-356, Laws of Florida,
 42 | are codified, reenacted, amended, and repealed as herein
 43 | provided.

44 | Section 3. The St. Lucie County Fire District is re-
 45 | created and the charter is re-created and reenacted to read as
 46 | follows:

47 | Section 1. Upon this act becoming a law, all of the lands
 48 | in the County of St. Lucie shall become and be incorporated into
 49 | an independent special taxing district to be known as the St.
 50 | Lucie County Fire District. The purpose of the district shall be
 51 | for fire prevention, fire suppression, emergency medical

HB 631

2004
CS

52 services, rescue, and other duties and responsibilities in St.
 53 Lucie County, as may be directed by the St. Lucie County Fire
 54 District Board of Commissioners.

55 Section 2. The governing body of the St. Lucie County Fire
 56 District, hereinafter also termed "the district" or "said
 57 district," shall be known and designated as the Board of
 58 Commissioners of the St. Lucie County Fire District, hereinafter
 59 also termed "the board" or "said board," and shall be composed
 60 of seven members named and selected as provided by this act.
 61 Said board shall have all the powers of a body corporate,
 62 including the power to contract and to be contracted with under
 63 the name of St. Lucie County Fire District; to sue and to be
 64 sued; to adopt and use a common seal and to alter the same at
 65 its pleasure; to acquire, purchase, hold, lease, and convey such
 66 real estate and personal property, including equipment, as said
 67 board may deem proper or expedient to carry out the purposes of
 68 this act; to employ such attorneys, experts, agencies, and
 69 employees as said board may require or deem advisable; to borrow
 70 money and to issue negotiable promissory notes as hereinafter
 71 provided; and to generally exercise the powers of a public
 72 authority organized and existing for the purpose of fire
 73 prevention, fire suppression, emergency medical services,
 74 rescue, and other duties and responsibilities as may be directed
 75 by the St. Lucie County Fire District Board of Commissioners.

76 Section 3. Board composition; terms; elections.--

77 (1) The board of commissioners of said district shall at
 78 all times consist of seven members; two members to be elected by
 79 and from the Board of County Commissioners of St. Lucie County;

HB 631

2004
CS

80 two members to be elected by and from the City Commission of the
 81 City of Fort Pierce; two members to be elected by and from the
 82 City Council of the City of Port St. Lucie; and one member to be
 83 appointed by the Governor.

84 (2) The terms of office of the two members from the Board
 85 of County Commissioners of St. Lucie County, the two members
 86 from the City Commission of the City of Fort Pierce, and the two
 87 members from the City Council of the City of Port St. Lucie, and
 88 their respective successors, shall be for periods of 2 years.
 89 The term of office of the seventh member appointed by the
 90 Governor shall be for a period of 2 years, but said seventh
 91 member shall continue to serve until his or her successor is
 92 appointed.

93 (3) As to the two members from the Board of County
 94 Commissioners of St. Lucie County, the two members from the City
 95 Commission of the City of Fort Pierce, and the two members from
 96 the City Council of the City of Port St. Lucie, their
 97 continuance in such official capacities as members of the board
 98 of county commissioners, city commission, and city council shall
 99 be deemed an essential qualification as to their continuance as
 100 members of the board of commissioners of the district.

101 (4) The commissioners of the district shall elect from
 102 their board a chairperson and vice chairperson annually. Four
 103 members of the board shall constitute a quorum. A majority of a
 104 quorum shall be necessary for the transaction of business. The
 105 chairperson shall vote at all meetings of the board.

HB 631

2004
CS

106 Section 4. Books; audits.--The board shall annually have
 107 the books audited by an independent certified public accountant
 108 duly registered in this state.

109 Section 5. Depositories; use of funds.--

110 (1) The funds of the district shall be deposited in the
 111 name of the district in a federal or Florida chartered bank or
 112 banks with a principal branch office located within St. Lucie
 113 County. Any such bank must be a member of the Federal Reserve
 114 System and a qualified public depository as defined in section
 115 280.02, Florida Statutes, and must be included on the authorized
 116 depository list published by the Bureau of Collateral
 117 Securities, Office of the Chief Financial Officer. No funds of
 118 the district shall be paid out or disbursed except by check.

119 (2) No funds of the district shall be used for any purpose
 120 other than the administration of the affairs and business of
 121 said district, for the construction, care, maintenance, upkeep,
 122 operation, and purchase of firefighting and emergency equipment,
 123 and for the best interest of the district as the board may
 124 determine.

125 Section 6. Gifts; purchases; loans.--

126 (1) The board shall have the power and authority to hold,
 127 control, and acquire, by gift or purchase, for the use of the
 128 district, any real or personal property and to pay the purchase
 129 price in installments or deferred payments and to condemn any
 130 lands needed for the purpose of said district. Said board is
 131 authorized to exercise the right of eminent domain and institute
 132 and maintain condemnation proceedings in the same manner as St.

133 Lucie County, as other public municipalities under the laws of
 134 the state, or both.

135 (2) The board is hereby authorized and empowered, in order
 136 to carry out the purposes of this act, to borrow money not to
 137 exceed \$1,500,000 in any one year unless the board shall issue a
 138 resolution that declares a district emergency as defined in this
 139 section, in which case the board is authorized and empowered to
 140 borrow money not to exceed the sum of \$4 million. In no event,
 141 however, shall the total of all amounts borrowed and unpaid
 142 exceed the sum of \$5 million. The board is further authorized
 143 and empowered to issue its promissory notes therefor upon such
 144 terms and at such rates of interest as said board may deem
 145 advisable, and said notes shall be a charge upon all revenues
 146 derived from taxes in that year.

147 (3) An emergency for the purposes of the St. Lucie County
 148 Fire District is defined as:

149 (a) A natural or manmade fire or medical disaster
 150 involving significant injury, death, or destruction of
 151 structures and requiring extensive and unforeseen use of
 152 overtime or additional personnel.

153 (b) A response to a declaration of a local emergency and
 154 request by St. Lucie County that the district provide emergency
 155 services, the cost of which exceeds the annual borrowing limit
 156 of the district.

157 (c) A need to replace or repair fire or emergency medical
 158 vehicles and equipment based on unanticipated and unforeseen
 159 circumstances, rather than on ordinary wear and tear, for losses
 160 not covered by insurance.

HB 631

2004
CS

161 (4) The board of commissioners of the district shall have
 162 the power and authority to acquire by gift or purchase and to
 163 pay the purchase price for such firefighting and other equipment
 164 as deemed reasonably necessary for the protection of property,
 165 safety of lives, or reduction of fire hazards to the same, in
 166 the district; to hire firefighting, emergency medical, civilian,
 167 and other personnel as needed; and to inspect all property and
 168 investigate for fire hazards and prescribe rules and regulations
 169 pertaining thereto, including the enforcement of the Florida
 170 Fire Prevention Code as revised from time to time.

171 (5) The board of commissioners of the district may
 172 acquire, by gift or purchase, such emergency equipment and
 173 employ such personnel as may be determined reasonably necessary
 174 by the board for the operation and maintenance of emergency
 175 medical service within the district.

176 Section 7. Records; adoption of rules.--The officers of
 177 said board of commissioners shall have the duties usually
 178 pertaining to, vested in, and incumbent upon like officers. A
 179 record shall be kept of all meetings of the board of
 180 commissioners. The board of commissioners may adopt such rules
 181 and regulations as it may deem necessary in and about the
 182 transaction of its business and in carrying out the provisions
 183 of this act.

184 Section 8. Annual reports; fiscal year.--The board of
 185 commissioners shall, in a timely manner, make an annual report
 186 of its actions and accounting of its funds as of the end of the
 187 previous fiscal year and shall file said report in the office of
 188 the Clerk of the Circuit Court of St. Lucie County, whose duty

HB 631

2004
CS

189 it shall be to receive and file said report and hold and keep
 190 the same a public record. The fiscal year of said district is
 191 hereby fixed as commencing on October 1 and ending on September
 192 30.

193 Section 9. Rights under civil service and retirement
 194 laws.--All rights of firefighting personnel under the civil
 195 service and retirement laws of the City of Fort Pierce and all
 196 rules and regulations pertaining thereto are hereby respectively
 197 preserved unto such personnel.

198 Section 10. Millage; taxes.--

199 (1) The Board of Commissioners of the St. Lucie County
 200 Fire District, a special taxing district, is hereby authorized,
 201 empowered, and directed annually to levy upon all the real and
 202 personal taxable property, including homesteads, in said
 203 district a sufficient tax to pay the necessary costs for the
 204 maintenance, operation, and support of the district, but the
 205 said levy to pay for the costs of operation, maintenance, and
 206 support of said district shall not exceed 3 mills on the dollar,
 207 unless otherwise authorized under chapter 191, Florida Statutes.

208 (2) The levy by the board of the taxes authorized by any
 209 provision of this act or chapter 191, Florida Statutes, shall be
 210 by resolution of the board duly entered into the minutes of the
 211 board. Certified copies of such resolution executed in the name
 212 of the board by its chairperson, under the corporate seal, shall
 213 be made and delivered to the Board of County Commissioners of
 214 St. Lucie County and to the Chief Financial Officer of the state
 215 not later than July 31 of each year. Determination of millage
 216 and collection of taxes shall be in accordance with chapter 200,

HB 631

2004
CS

217 Florida Statutes, and other applicable laws. All such taxes
 218 shall be held by the board of commissioners and paid out by the
 219 board as provided in this act.

220 (3) It is herein and hereby determined and declared that
 221 the special assessment taxes herein provided for fire
 222 prevention, fire suppression, emergency medical services,
 223 rescue, and other duties and responsibilities as may be directed
 224 by the St. Lucie County Fire District Board of Commissioners are
 225 special assessments for special or peculiar benefits accruing to
 226 the properties within the special taxing district herein created
 227 against which properties said levies are directed to be made. It
 228 is also herein and hereby found, determined, and declared that
 229 fire prevention, fire suppression, emergency medical services,
 230 rescue, and other duties and responsibilities as may be directed
 231 by the St. Lucie County Fire District Board of Commissioners,
 232 within such special taxing district herein created, are public
 233 purposes and are also county, district, and municipal purposes.

234 Section 11. Payment of expenses.--

235 (1) The board is authorized to pay from the funds of the
 236 special taxing district all expenses of the organization of said
 237 board and all expenses necessarily incurred in the formation of
 238 said district and all other reasonable and necessary expenses,
 239 including the fees and expenses of an attorney in the
 240 transaction of the business of the special taxing district and
 241 in carrying out and accomplishing the purposes of this act.

242 (2) The funds of the district shall be paid out only upon
 243 checks signed by the chairperson or vice chairperson and clerk-
 244 treasurer either manually or by facsimile signature. No check

HB 631

2004
CS

245 shall be drawn or issued against funds of the district except
 246 for a purpose authorized by this act. No check against funds of
 247 the district shall be drawn or issued until after the account or
 248 expenditure for which the same is to be given and payment has
 249 been ordered and approved by the board of commissioners.

250 Section 12. Fire chief.--The board shall appoint and
 251 employ a fire chief who shall serve at the will of the board as
 252 chief officer of the fire district; who shall maintain and
 253 operate all divisions of the district; and who shall enforce the
 254 laws and all rules prescribed by the State Fire Marshal in
 255 accordance with chapter 633, Florida Statutes.

256 Section 13. Clerk-treasurer.--The board shall appoint and
 257 employ a clerk-treasurer who shall serve at the will of the
 258 board. The clerk-treasurer of the district shall be the
 259 financial officer of the district and shall also maintain the
 260 records of the district. The clerk-treasurer shall be required
 261 to give to the board of commissioners of the district a good and
 262 sufficient surety bond in the sum of \$10,000 conditioned on his
 263 or her faithfully performing the duties of the office and well
 264 and truly accounting for all moneys of the district coming into
 265 his or her custody and/or control. The premium of the bond shall
 266 be paid out of the funds of the district and shall be approved
 267 by the board of commissioners.

268 Section 14. Insurance for employees and dependents;
 269 retirees.--

270 (1) The St. Lucie County Fire District may, through its
 271 board of commissioners, pay out of any of its available funds
 272 all or part of the premiums or charges for life, health,

HB 631

2004
CS

273 accident, or hospitalization insurance provided for its
 274 employees and the families of such employees.

275 (2) The St. Lucie County Fire District, which provides for
 276 its officers, employees, and their dependents life, health,
 277 accident, hospitalization, or annuity insurance, or all of any
 278 kind of such insurance, upon a group insurance plan or self-
 279 insurance plan, may allow retired former personnel and their
 280 eligible dependents the option of continuing to participate in
 281 such group insurance plan or self-insurance plan. The cost of
 282 any such continued participation or any portion thereof for the
 283 retired employees may only be paid by the employer or by the
 284 retired employees. Any such coverage continued on behalf of the
 285 dependents of a retired employee shall be paid for entirely by
 286 the retiree. In addition, the St. Lucie County Fire District may
 287 commingle the claims experience of the retiree group with the
 288 claims experience of the active employees. Premiums resulting
 289 from the commingling, or any portion thereof, may be paid by the
 290 employer or retired employee. However, the St. Lucie County Fire
 291 District may pay all or a portion of the cost of any such
 292 continued participation if it so desires.

293 Section 15. Torts; negligence.--

294 (1) No action shall be brought against the St. Lucie
 295 County Fire District for any negligent or wrongful injury or
 296 damage to persons or property unless brought within 12 months
 297 after the time of the injury or damage.

298 (2) No suit arising out of any action in tort or sounding
 299 in tort shall be maintained against the St. Lucie County Fire
 300 District unless written notice of the claim, giving time, place,

HB 631

2004
CS

301 and circumstances of the injury or damage, is given to the
 302 chairperson, the vice chairperson, or the clerk-treasurer of the
 303 district within 30 days after the occurrence of the injury or
 304 damage.

305 Section 16. Removal of fire hazards; enforcement of
 306 liens.--

307 (1) For the purpose of promoting the safety and general
 308 welfare of the community, the Board of Commissioners of the St.
 309 Lucie County Fire District may, by resolution, require that
 310 lands in St. Lucie County be cleared of weeds, debris, and any
 311 materials which create a fire hazard.

312 (2) If any property owner in St. Lucie County fails to
 313 comply with the requirements of a resolution adopted under
 314 subsection (1), the board may serve written demand on such
 315 property owner that his or her land be cleared in accordance
 316 with the provisions of such resolution. Such demand shall be by
 317 registered mail, directed to the owner at his or her address as
 318 shown on the current tax roll of the county. It shall notify the
 319 owner that if said demand is not complied with within 30 days
 320 from the date thereof, the land described therein will be
 321 cleared or caused to be cleared by the St. Lucie County Fire
 322 District and the cost thereof, including a service charge to be
 323 established by the board, will constitute a lien against said
 324 land.

325 (3) If any property owner fails to comply with such
 326 written demand, the board may clear or cause to be cleared the
 327 land and by resolution assess a lien on behalf of the St. Lucie
 328 County Fire District against the land for the cost of clearing,

329 including the service charge. A notice of lien in such form as
 330 the board may determine shall be recorded in the office of the
 331 Clerk of the Circuit Court of the county. The notice of lien
 332 shall be prima facie evidence of the debt to the St. Lucie
 333 County Fire District, bearing interest at the legal rate, and
 334 may be foreclosed as mortgages are foreclosed in the circuit
 335 court. The lien shall become void 20 years after the date of
 336 the execution of the notice of lien.

337 Section 17. Miscellaneous provisions.--

338 (1) When required by the laws of Florida, any obligation
 339 issued or incurred by the district shall be approved by the
 340 qualified freeholder electors.

341 (2) Whosoever shall willfully damage any of the property
 342 in the special taxing district created under this act shall be
 343 punished as provided in the general laws for punishments for
 344 misdemeanors or felonies, depending upon the value of the
 345 property damage.

346 (3) Any clause, sentence, paragraph, section, or part of a
 347 section of this act which for any reason may be declared invalid
 348 may be eliminated from this act, and the remaining portion
 349 thereof shall be in force and valid as if such invalid clause,
 350 section, or part of a section had not been incorporated herein.

351 (4) It is intended that the provisions of this act shall
 352 be liberally construed for accomplishing the purposes provided
 353 therefor, or intended to be provided for by this act, and where
 354 a strict construction will result in the defeat of the
 355 accomplishment of any of the purposes provided for by this act
 356 and a liberal construction would permit or assist in the

HB 631

2004
CS

357 | accomplishment thereof, the liberal construction thereof shall
358 | prevail.

359 | (5) The provisions of sections 200.071-200.141, Florida
360 | Statutes, shall not apply and are superseded insofar as they
361 | affect the power and authority of the St. Lucie County Fire
362 | District to levy, assess, collect, and enforce ad valorem taxes.

363 | Section 4. Chapters 96-532 and 97-356, Laws of Florida,
364 | are repealed.

365 | Section 5. This act shall take effect upon becoming a law.